

**CIVIL CASE NO. 1:12cv05**

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## ORDER OF REMAND

42 U.S.C. §405(g). The Commissioner here has not yet filed Answer.

The parties advise that the Appeals Council has reconsidered the Plaintiff's request for an administrative hearing and proposes that the case be remanded so that such a hearing may occur. The Appeals Council further proposes that the Administrative Law Judge be instructed to obtain certain exhibits which were submitted in connection with the request for a hearing, to consider the same and to consolidate this matter with a subsequent application presently pending at the hearing level.

Based on the parties' submission, the Court finds that there is new evidence in the form of the exhibits referenced herein which the Appeals Council now considers to be material. Moreover, because the Appeals Councils previously did not consider these exhibits, good cause has been shown for the failure to incorporate them into the record of the prior proceeding. Remand pursuant to Sentence six of §405(g) is therefore appropriate. Melkonyan v. Sullivan, 501 U.S. 89, 111 S.Ct. 2157, 115 L.Ed.2d 78 (1991).

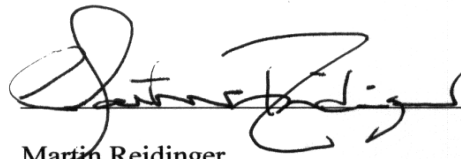
**IT IS, THEREFORE, ORDERED** that the Defendant's Agreed Motion for Entry of Remand under Sentence Six of 42 U.S.C. §405(g) [Doc. 3] is hereby **GRANTED**.

**IT IS FURTHER ORDERED** that upon remand the Appeals Council shall instruct the Administrative Law Judge to obtain any missing exhibits submitted

in connection with the Plaintiff's request for a hearing, to consolidate this matter with subsequent applications filed on July 7, 2010 and to conduct an administrative hearing.

The Clerk of Court is instructed that no Judgment shall be entered but this case shall be administratively closed.

Signed: March 27, 2012

  
Martin Reidinger  
United States District Judge

